



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

May 19, 2004

In Reply Refer To:
SWR-04-SA-9159:JCB

Chris Collison
California Department of Transportation
North Region Environmental Division
2389 Gateway Oaks, Suite 100
Sacramento, California 95833

Dear Mr. Collison:

This is in response to your May 10, 2004 letter requesting initiation of consultation with the National Marine Fisheries Service (NOAA Fisheries) for the Department of Transportation Highway 65 Bypass Project (No. 03-33380). Your letter indicates that your office believes the proposed project is not likely to adversely affect threatened Central Valley steelhead (*Onocorhynchus mykiss*) pursuant to provisions of the Endangered Species Act, as amended (ESA), or Essential Fish Habitat (EFH) for Pacific Salmon pursuant to provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

The proposed project consists of the construction of a four-lane freeway on a new alignment around (to the west of) the City of Lincoln, Placer County, California. The preferred alignment begins approximately on Highway (Hwy) 65 one mile south of the City of Lincoln, extends to the west around Lincoln Airport, and rejoins the existing Hwy 65 approximately one-tenth mile south of the Bear River. The total length of the alignment is approximately 12.8 miles. Bridge crossings at Auburn Ravine and Coon Creek are included in the alignment.

Conservation measures include clear span bridge structures to eliminate the need for piers in stream channels, limiting instream work to the period between June 1 and October 31 when fish are least likely to be present in the project area, on-site revegetation of shaded riverine aquatic habitat, collection of stormwater runoff, and application of best management practices to avoid or minimize water quality impacts during construction.

Based on our review of the material provided with your May 10, 2004 letter, site visits by NOAA Fisheries personnel, and the best scientific and commercial information currently available, NOAA Fisheries concurs with your determination that the proposed Department of Transportation Highway 65 Bypass Project (No. 03-33380) is not likely to adversely affect Central Valley steelhead.



We have also reviewed this project for impacts to Essential Fish Habitat (EFH) for Pacific Salmon and pursuant to section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and find that implementation of the project will not adversely affect EFH for Pacific salmon, therefore, we do not have any additional conservation recommendations for the proposed action.

This determination may be reconsidered and further consultation may be necessary if one of the following occurs: (1) new information indicate that the proposed project may affect listed species or designated critical habitats in a manner or to an extent not considered in this review; (2) new species and/or critical habitat are designated that may be affected by the proposed action; or (3) the project description is changed. This concludes ESA section 7 consultation for the proposed project.

If you have any questions or need further assistance with this request, please contact John Baker in our Sacramento Area Office, 650 Capitol Mall, Suite 8-300, Sacramento, California 95814. Mr. Baker may be reached by telephone at (916) 930-3616.

Sincerely,

A handwritten signature in black ink, appearing to read "Rodney R. McInnis".Handwritten initials "RR" in black ink.

Rodney R. McInnis
Acting Regional Administrator

cc: NMFS-PRD, Long Beach, CA